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09/932,571.	08/16/2001	Tim Daniels	Z-0006	4993

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Timothy J. Hadlock
Chevron Corporation
P.O. Box 6006
San Ramon, CA 94583-0806

EXAMINER

WASSUM, LUKE S

ART UNIT	PAPER NUMBER
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2177

DATE MAILED: 02/17/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/932,571

Applicant(s)

DANIELS ET AL.

Examiner

Luke S. Wassum

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.3.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

The Invention

1. The claimed invention is a supply chain management system for managing the production, sales and distribution of petroleum lubricants.

Information Disclosure Statement

2. The Applicants' Information Disclosure Statements, filed 16 August 2001 and 2 July 2003 respectively, have been received and entered into the record. Since they both comply with the requirements of MPEP § 609, the documents referred to therein have been considered. See attached forms PTO-1449.

Drawings

3. The drawings are objected to because of the following informalities:

In Figure 2, Other Services Provider is labeled as item 180, but should be labeled as item 150 to be consistent with the specification.

In Figure 4A, item 415 contains a typographical error; 'Transit' should be 'Transmit'.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

4. The disclosure is objected to because of the following informalities:

On page 10, line 9, 'Other such systems employee...' should be 'Other such systems employ...':

On page 12, line 2, the word 'one' should be capitalized.

Appropriate correction is required.

5. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code on page 9, line 32, and also on page 10, lines 23 and 25. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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8. Claim 1 recites the limitation "said results" in line 8. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1-3, 5-8, 10, 11 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Navani et al. (U.S. Patent Application Publication 2002/0049667).
11. Regarding claim 1, Navani et al. teaches a computer programmed to execute a process for lubricants supply chain management as claimed, said process comprising:
- a) upon receiving a request from a web-browser client, querying a database comprising a catalog of lubricants and prices and availability for same and serving said results of said query to said requesting web-browser client for display (see description of the tab-based interface for selection of desired lubricant, paragraph [0043]; see also disclosure of the use of a search engine, paragraphs [0175] and [0176]; see also description of pricing information, paragraph [0064]);

- b) serving an order form to said web-browser client which is configured to contain fields for order quantity and type for lubricants, delivery type preferences and delivery address entered in said web-browser client, and determining and displaying on said web-browser client a delivery price quote (see description of the tab-based interface for selection of desired lubricant, paragraph [0043]; see also the information associated with each posted trade deal, paragraphs [0044] through [0056]);
- c) receiving an order from said web-browser client for a specific type and quantity of lubricants and having a specific delivery type selected (see description of the tab-based interface for selection of desired lubricant, paragraph [0043]; see also the information associated with each posted trade deal, paragraphs [0044] through [0056]);
- d) electronically transmitting over a network said order to a fulfillment agent selected from the group consisting of a Lubricant Blender or an Order Fulfillment Agent, and mixtures thereof (see disclosure that trade details are transmitted to collaborative workflow applications, scheduling application, etc., paragraph [0096] and [0110]; see also disclosure that decision support tools are used to help end users quickly evaluate petroleum products for supply, blending and trading purposes, and also includes transport scheduling tools, paragraphs [0117] and [0118]);
- e) electronically transmitting over a network said order and said delivery information to a Freight-Handling Agent (see disclosure of the notification of the vessel broker/owner to secure/reserve the vessel, paragraph [0110]);
- f) wherein said Freight-Handling Agent inputs information into a delivery optimization system which outputs a delivery schedule which includes said order, and electronically transmits over a network said order and said delivery information to at least one

Trucking Company (see details of the transport selection and optimization tools, paragraphs [0180] through [0184]; see also disclosure that 'vessel' may be any transportation container used to carry cargo, including a truck, paragraph [0206]); and
g) maintaining the status and all actions and communications for said order in a web-accessible database (see disclosure of the Collaborative Workflow Environment, through which users can see the details and status of any Collaborative Workflow Processes, paragraphs [0200] through [0203]).

12. Regarding claim 6, Navani et al. teaches a computer readable medium having a computer readable program means embodied thereon for lubricants supply chain management as claimed, said computer readable program means comprising:

- a) computer readable program code means for receiving a request from a web-browser client, querying a database comprising a catalog of lubricants and prices and availability for same and serving said results of said query to said requesting web-browser client for display (see description of the tab-based interface for selection of desired lubricant, paragraph [0043]; see also disclosure of the use of a search engine, paragraphs [0175] and [0176]; see also description of pricing information, paragraph [0064]);
- b) computer readable program code means for serving an order form to said web-browser client which is configured to contain fields for order quantity and type for lubricants, delivery type preferences and delivery address entered in said web-browser client, and determining and displaying on said web-browser client a delivery price quote (see description of the tab-based interface for selection of desired lubricant, paragraph

[0043]; see also the information associated with each posted trade deal, paragraphs [0044] through [0056]);

- c) computer readable program code means for receiving an order from said web-browser client for a specific type and quantity of lubricants and having a specific delivery type selected (see description of the tab-based interface for selection of desired lubricant, paragraph [0043]; see also the information associated with each posted trade deal, paragraphs [0044] through [0056]);
- d) computer readable program code means for electronically transmitting over a network said order to a fulfillment agent selected from the group consisting of a Lubricant Blender or an Order Fulfillment Agent, and mixtures thereof (see disclosure that trade details are transmitted to collaborative workflow applications, scheduling application, etc., paragraph [0096] and [0110]; see also disclosure that decision support tools are used to help end users quickly evaluate petroleum products for supply, blending and trading purposes, and also includes transport scheduling tools, paragraphs [0117] and [0118]);
- e) computer readable program code means for electronically transmitting over a network said order and said delivery information to a Freight-Handling Agent (see disclosure of the notification of the vessel broker/owner to secure/reserve the vessel, paragraph [0110]); and
- f) computer readable program code means for maintaining the status and all actions and communications for said order in a web-accessible database (see disclosure of the Collaborative Workflow Environment, through which users can see the details and status of any Collaborative Workflow Processes, paragraphs [0200] through [0203]).

13. Regarding claim 11, Navani et al. teaches a method for lubricants supply chain management as claimed, comprising:

- a) storing in a web-accessible database a catalog of lubricants and prices-per-unit and availability for same which prices-per-unit decrease based on certain pre-determined criteria (see description of the tab-based interface for selection of desired lubricant, paragraph [0043]; see also disclosure of the use of a search engine, paragraphs [0175] and [0176]; see also description of pricing information, paragraph [0064], and the fact that quantity discounts may be given, paragraph [0060]);
- b) upon receiving at a web server a request from a web-browser client, querying a database and serving said results of said query to said requesting web-browser client for display (see description of the tab-based interface for selection of desired lubricant, paragraph [0043]; see also disclosure of the use of a search engine, paragraphs [0175] and [0176]; see also description of pricing information, paragraph [0064]);
- c) serving an order form to said web-browser client which is configured to contain fields for order quantity and type for lubricants, delivery type preferences and delivery address entered in said web-browser client, and determining and displaying on said web-browser client a delivery price quote (see description of the tab-based interface for selection of desired lubricant, paragraph [0043]; see also the information associated with each posted trade deal, paragraphs [0044] through [0056]);
- d) receiving an order from said web-browser client for a specific type and quantity of lubricants and having a specific delivery type selected (see description of the tab-based

- interface for selection of desired lubricant, paragraph [0043]; see also the information associated with each posted trade deal, paragraphs [0044] through [0056]);
- e) electronically transmitting over a network said order to a fulfillment agent selected from the group consisting of a Lubricant Blender or an Order Fulfillment Agent, and mixtures thereof (see disclosure that trade details are transmitted to collaborative workflow applications, scheduling application, etc., paragraph [0096] and [0110]; see also disclosure that decision support tools are used to help end users quickly evaluate petroleum products for supply, blending and trading purposes, and also includes transport scheduling tools, paragraphs [0117] and [0118]);
- f) wherein said order fulfillment agent electronically transmits over a network said order and blending specifications to at least one lubricant blender (see disclosure that decision support tools are used to help end users quickly evaluate petroleum products for supply, blending and trading purposes, paragraphs [0117] and [0118]; see also extensive disclosure of blending and trading tools, paragraphs [0125] through [0160];
- g) electronically transmitting over a network said order and said delivery information to a Freight-Handling Agent (see disclosure of the notification of the vessel broker/owner to secure/reserve the vessel, paragraph [0110]);
- h) wherein said Freight-Handling Agent inputs information into a delivery optimization system which outputs a delivery schedule which includes said order, and electronically transmits over a network said order and said delivery information to at least one Trucking Company (see details of the transport selection and optimization tools, paragraphs [0180] through [0184]; see also disclosure that 'vessel' may be any transportation container used to carry cargo, including a truck, paragraph [0206]); and

- i) maintaining the status and all actions and communications for said order in a web-accessible database (see disclosure of the Collaborative Workflow Environment, through which users can see the details and status of any Collaborative Workflow Processes, paragraphs [0200] through [0203]).

14. Regarding claims 2 and 7, Navani et al. additionally teaches a computer and computer readable medium wherein said fulfillment agent is an order fulfillment agent and said order fulfillment agent electronically transmits over a network said order to at least one lubricant blender (see disclosure that decision support tools are used to help end users quickly evaluate petroleum products for supply, blending and trading purposes, paragraphs [0117] and [0118]; see also extensive disclosure of blending and trading tools, paragraphs [0125] through [0160]).

15. Regarding claims 3 and 8, Navani et al. additionally teaches a computer and computer readable medium which further comprises serving a product search page to said web browser client, wherein said search page comprising fields supporting alternate search methods selected from the group consisting of product name, product application, cross-applications and mixtures thereof (see description of the tab-based interface for selection of desired lubricant, paragraph [0043]; see also disclosure of the use of a search engine, paragraphs [0175] and [0176]).

16. Regarding claims 5, 10 and 13, Navani et al. additionally teaches a method, computer and computer readable medium wherein prices decrease based on cumulative purchase volume over a pre-determined time period (see disclosure that quantity discounts may be given, paragraph [0060]).

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. **Resolving the level of ordinary skill in the pertinent art.**
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

19. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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20. Claims 4, 9 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Navani et al.** (U.S. Patent Application Publication 2002/0049667) as applied to claims 1-3, 5-8, 10, 11 and 13 above, and further in view of **Hager et al.** (U.S. Patent 6,085,808).

21. Regarding claims 4, 9 and 12, **Navani et al.** teaches a method, computer and computer readable medium substantially as claimed, including performing lubricant analysis (see discussion of the CBAT-G analysis tool, paragraphs [0132] through [0138].

Navani et al. does not explicitly teach a method, computer and computer readable medium which further comprises receiving an order from said web-browser client for a specific type of service selected from the group of empty drum pickup, lubricant analysis, used lubricant pickup and mixtures thereof, and electronically transmitting over a network said order to a service order fulfillment agent.

Hager et al., however, teaches that the collection of empty drums and contaminated solvent is optimally performed in conjunction with the distribution of fresh solvent (see Abstract; see also col. 1, lines 10-29; see also col. 1, line 55 through col. 2, line 20).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the ability to request collection of empty drums and used lubricant and the analysis of lubricants into the supply chain management system of **Navani et al.**, because these services are routinely required in the petroleum distribution business, and is normally performed in conjunction

with the distribution of said lubricants; coordinating such services with the purchase and distribution of new lubricants would improve the efficiency with which such services could be carried out.

Conclusion

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

King, Jr. et al. (U.S. Patent 5,319,542) teaches an electronic catalog and electronic requisition facility that facilitates the user in electronically ordering items from suppliers.

Blinn et al. (U.S. Patent 5,897,622) teaches a merchant system for online shopping and merchandising.

Huang et al. (U.S. Patent 5,953,707) teaches a decision support system for the management of an agile supply chain.

Kirsch (U.S. Patent 5,963,915) teaches a system for performing purchase transactions over the Internet.

Blinn et al. (U.S. Patent 5,999,914) teaches an electronic promotion system for providing promotions to shoppers at an electronic merchant system.

Fisher et al. (U.S. Patent 6,047,264) teaches a method of automatically updating the status of customers' orders and shipments via electronic mail.

Byford (U.S. Patent 6,220,509) teaches a parcel tracing system for tracing parcels handles by a service provider for a plurality of clients,

Lidow (U.S. Patent Application Publication 2002/0019761) teaches a supply chain network where customers, suppliers, logistics providers, carriers, and financial institutions are all connected to a centralized supply chain server.

Navani et al. (U.S. Patent Application Publication 2002/0052769) teaches an automated workflow management system.

Navani et al. (U.S. Patent Application Publication 2002/0069210) teaches a method of optimizing vessel scheduling by aggregating vessel information.

Metcalf et al. (U.S. Patent Application Publication 2002/0138290) teaches a system for tracking, updating and sharing information related to a supply chain purchasing transaction.

Scheer (U.S. Patent Application Publication 2002/0161674) teaches a method for fulfilling an order in a supply chain.

Lidow (U.S. Patent Application Publication 2002/0194057) teaches a supply chain network where customers, suppliers, logistics providers, providers, carriers, and financial institutions are all connected to a centralized supply chain server.

BusinessWire ("PetrolSoft Announces Digital Marketplace – FuelTrader.com to Sell Gasoline Via the Internet") is a press release announcing the FuelTrader.com service.

AspenTech ("Aspen Technology Acquires PetrolSoft, Leading Supply Chain Provider to the Petroleum Industry") is a press release.

Navani et al. (U.S. Provisional Patent Application 60/230,840) is the specification of the provisional application on which the primary reference used in the rejections of record relies for its priority date.

Hanrahan ("The Evolution of Supply Chain Management in the Petroleum Industry") teaches the evolution of supply chain management in the petroleum industry.

AspenTech ("Go Ahead. Optimize This:") is a print advertisement for Aspen Technologies' supply chain management systems for the petroleum industry, which began publication in print magazines on 1 March 2001.

PetroVantage ("The Petroleum Industry") is a series of web pages that appeared on the PetroVantage web site between 6 April and 19 June 2001, and describing the services provided and problems solved by the PetroVantage product.

McKinnon ("The World from a PetroVantage Point") describes the PetroVantage suite.

Ericson ("PetroVantage Looks to Cash In") describes the PetroVantage suite.

Although not qualifying as prior art, the following references are also of interest:

Hirth et al. (U.S. Patent Application Publication 2003/0171962) teaches a method for coordinating the fulfillment of outbound fulfillment orders for one or more items between a first party and a second party.

Helmolt et al. (U.S. Patent Application Publication 2003/0172007) teaches a system for providing fulfillment coordination by splitting an order into one or more work packages necessary to fulfill the order, and assigning the work packages to one or more partners.

PRNewswire ("FuelSpot Introduces New Business Units/Key Directors") is a press release describing FuelSpot, a leading supply chain solutions firm in the refined petroleum products industry.

AspenTech ("Industry Solutions Product List") teaches the features of the PetroVantage and Process Industry Modeling System (PIMS) products.

AspenTech ("Aspen PIMS") is a brochure that describes the PIMS product.

AspenTech ("Aspen PetroVantage") is a brochure that describes the PetroVantage product.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luke S. Wassum whose telephone number is 703-305-5706. The examiner can normally be reached on Monday-Friday 8:30-5:30, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on 703-305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

In addition, INFORMAL or DRAFT communications may be faxed directly to the examiner at 703-746-5658.

Customer Service for Tech Center 2100 can be reached during regular business hours at (703) 306-5631, or fax (703) 746-7240.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Luke S. Wassum
Art Unit 2177